



## U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mulla Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 16, 2008

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**BY FACSIMILE**

The Honorable Paul A. Crotty  
United States District Judge  
500 Pearl Street  
New York, NY 10007

Re: United States v. Jose Deleon Polanco,07 Cr. 663 (PAC)+ 08 cr 309 (PAC)

Dear Judge Crotty:

The Government respectfully submits this letter to request that the defendant's sentencing, currently scheduled for tomorrow, April 17, 2008, be adjourned for two weeks, and that the supervised release case recently transferred into this District from the Northern District of New York and currently assigned to The Honorable Denny Chin, Case No. 08 Cr. 309, be consolidated with the above-captioned matter before Your Honor.

I spoke with counsel for the defendant, Sabrina Shroff, who joins the Government in this request. I also spoke with Judge Chin's Deputy, who informed me that Judge Chin consents to the Government's request for consolidation.

On or about November 13, 2007, Jose Deleon Polanco, a/k/a "Jonelis Arias," the defendant, entered a plea of guilty to Count One of the above-titled Indictment, 07 Cr. 663 (PAC), charging him with entering and being found in the United States after having been previously deported subsequent to a conviction for the commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

Because the defendant committed the instant offense while he was under a term of supervised release imposed as a result of his previous conviction, on or about October 30, 1997, for engaging in a continuing criminal enterprise to manufacture, distribute, and dispense a controlled substance, the Probation Office in the United States District Court for the Northern District of New York, out of which the defendant was initially supervised, charged the defendant with violating the conditions of his supervised release and obtained a warrant for his arrest.

By an Order dated April 8, 2008, and signed by Magistrate Judge James C. Francis IV, this Court accepted the transfer of jurisdiction from the Northern District of New

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York and assumed jurisdiction over the defendant's supervised release in Case No. 08 Cr. 309. That case was assigned to the Honorable Denny Chin.

For the foregoing reasons, the Government respectfully requests that the defendant's sentencing be adjourned for 2 weeks to allow the cases to be consolidated before Your Honor.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA

United States Attorney

Southern District of New York

By:



Chi T. Steve Kwok

Assistant United States Attorneys


(212) 637-2415

cc: The Honorable Denny Chin (by facsimile)  
United States District Judge

Sabrina Shroff (by email)  
Counsel to Jose Delcon Polanco

Ms. Marcela Bravo (by email)  
U.S. Probation Officer, Southern District of New York

Application GRANTED. The sentencing is adjourned to  
5/1/08 at 3:00 pm in Courtroom 20-C

SO ORDERED: APR 17 2008  
  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

FACSIMILE COVER SHEET

U.S. ATTORNEY'S OFFICE, S.D.N.Y.  
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No. pages (including cover sheet): 3

Date sent: April 16, 2008

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To: The Honorable Paul A. Crotty  
212-805-6304

The Honorable Denny Chin  
212-805-7906

Re: US v. Jose Deleon Polanco, 07 Cr. 663 (PAC)

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Please see the attached letter.